

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

PAUL W. SMITH, JR.,

Plaintiff,

v.

Civil Action No. _____
Fauquier County Circuit Court Case No. CL21-187

WALMART, INC.

AND

WAL-MART STORES EAST, LP,

Defendants.

JOINT NOTICE OF REMOVAL

Walmart, Inc. and Wal-Mart Stores East, LP (“Walmart”), by counsel, pursuant to 28 U.S.C. §§ 1441 and 1446, hereby file this Joint Notice of Removal on the following grounds:

1. Plaintiff filed a Complaint in Fauquier County Circuit Court on or about May 6, 2021, seeking \$950,000.00 in damages against Wal-Mart Stores East, LP and Walmart, Inc. (**Exhibit A**). This is a personal injury action in which Plaintiff claims to have been injured at a Walmart store on May 10, 2019, as a result of Walmart’s negligence, causing Plaintiff “to sustain serious and permanent injuries.” Compl. ¶¶ 3 and 7.
2. Walmart, Inc. and Wal-Mart Stores East, LP were served with the Complaint on April 13, 2022.
3. Walmart, Inc. and Wal-Mart Stores East, LP timely filed an Answer on or about April 20, 2022 (**Exhibit B**).
4. Plaintiff is a citizen of Virginia.

5. Walmart Inc. is a Delaware corporation with its principal place of business in Bentonville, Arkansas.

6. Wal-Mart Stores East, LP is a Delaware limited partnership with its principal place of business in Bentonville, Arkansas.

i. Wal-Mart Stores East, LP, has two partners: Wal-Mart Stores East Management, LLC, and Wal-Mart Stores East Investment, LLC. Both are Delaware limited liability companies, with their principal place of business being in Bentonville at the time of filing this action and at the present time.

ii. The sole member of Wal-Mart Stores East Management, LLC is Wal-Mart Stores East, Inc., an Arkansas corporation with its principal place of business being in Bentonville, Arkansas at the time of filing this action and at the present time.

iii. The sole member of Wal-Mart Stores East Investment, LLC is Wal-Mart Stores East, Inc., an Arkansas corporation with its principal place of business being in Bentonville, Arkansas at the time of the filing of this action and at the present time.

7. This action involves a controversy wholly between citizens of different states.

There is complete diversity of citizenship.

8. This Court has original jurisdiction in this matter pursuant to 28 U.S.C. § 1332 (a), and the action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441 (a). Walmart desires to remove this action to this Court.

9. Pursuant to 28 U.S.C. § 1446 (b)(3), this Notice of Removal is filed within (30) days of service on Walmart.

WHEREFORE, Walmart, Inc. and Wal-Mart Stores East, LP, by counsel, respectfully request that this action be removed from the Circuit Court of Fauquier County, Virginia, to this Court.

WALMART INC.
WAL-MART STORES EAST, LP

By: s/Joseph M. Moore
Joseph M. Moore (VSB No. 48591)
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of April, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing to the following:

Andrew K. Thomas, Esq. (VSB No. 34826)
Dulaney, Lauer and Thomas, L.L.P.
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Counsel for Plaintiff

And I hereby certify that on this 21st day of April, 2022, I caused a true copy of the foregoing to be sent via U.S. mail to:

Hon. Gail H. Barb, Clerk
Fauquier Circuit Court
Civil Division
29 Ashby Street
Warrenton, VA 20186-3202

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